

PLANNING BOARD MINUTES

October 05, 2015

Call The Meeting to Order

Chairman Stephen Johnson called the meeting to order at 7:00 P.M. in the Town Hall Auditorium. Present at the meeting were, Robert Fowler, Nancy Reed, Vincent Fratalia, Keith Anderson, Director of Community Development Steve Sadwick and Recording Secretary Dawn Cathcart.

(A) Approval of Minutes – August 3, 2015

MOTION - Mr. Anderson made a motion to approve the August 3, 2015 Planning Board minutes as submitted. The motion was seconded by Mrs. Reed and unanimously voted 5-0.

(B) Committee Reports/Administrative Actions

(B1) Committee Reports

There were no committee reports.

(B2) 1624 Main Street, Heatherwood – As-Built/Bond Release

Rob McSorley appeared for discussion on the as-built/bond release for 1624 Main Street. Mr. McSorley asked that the Board release the remaining bond. He is concerned with adding additional trees because it will hide the building. The planting have been spaced for growth and asked the Board to reconsider their request.

Mrs. Reed stated that her concern is where the building is angled in the back, there should be evergreen trees to screen that area especially in the winter. Mr. McSorley asked if that is the area near the detention area. Mrs. Reed replied yes.

Mr. Fratalia stated that the building looks good but the landscaping needs to be increased. Mr. McSorley stated that they spent an additional \$30,000 because a Selectman wanted granite curbing. Mr. Fratalia asked if the drain issue in the back has been resolved. Mr. McSorley replied yes, the drain was inadvertently covered and has been taken care of.

Mr. Fowler asked if there was a curb there before the project. Mr. McSorley replied yes, but it was not in good shape and we did remove some curbing. Mr. McSorley stated that we added curbing along the driveway per the approved plan. Mr. Fowler stated that it was your responsibility to replace it. Mr. Fowler stated that the landscaping is not the same as the as-built. Mr. McSorley replied they were installed per the approved plan. Mr. Fowler stated that the trees along Main Street are small. The plan shows dense coverage and the actual on-site landscaping is sparse. The tree sizes don't match the plan. Mr. McSorley stated that the plan was submitted by a Registered Landscape Architect and they used good practices. Mr. Fowler stated that he wants to take this as-built and do a site walk to compare. All the trees that are planted are going to lose their leaves during the winter.

Mr. Anderson agreed with Mr. Fowler. The building is close to Rt. 38 and is very large so it will not be hidden. It will take a number of years for the trees to grow to provide coverage.

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Mr. Johnson stated that there were numerous changes that were requested by the applicant at the last minute and this Board made accommodations. We reserve the right to require additional landscaping and we understand that the plan was submitted. The building is very large and addition of a few trees will not cover the building. He understands that the trees will grow but that still doesn't address what happens during the winter. Mr. McSorley stated that a separate landscape architect looked at it.

Mrs. Reed stated that she had a brief discussion on her concerns of lack of trees in the upland area. There needs to be screening in that area. It doesn't have to be a giant pine trees but there needs to be something to break the line of site.

Mr. Fowler stated that he is going to take the landscape plan and go to the site, and then make a recommendation.

Mr. Johnson stated that this will be continued and asked that they look at adding additional screening.

Mr. Anderson suggested looking at out developments around town. Mr. McSorley stated that they have substantially more landscaping.

(C) 2 Ferncroft Road, Joao Tavares Family Suite Special Permit

MOTION - Mr. Fowler made a motion to waive the reading of the public hearing notice. The motion was seconded by Mrs. Reed and unanimously voted 5-0.

Joao Tavares and Marco Tavaras appeared for the family suite special permit. Mr. Marco Tavares stated that he will be moving into the main house and his mother and father will be moving into the proposed 2 bedroom 900+ SF family suite.

Mr. Anderson stated that he is in favor of helping families stay together.

Mr. Fowler stated that he likes the common area and it appears to conform to the bylaw.

Mr. Fratalia agreed and said that the Board of Health is requiring it be connected to sewer. Mr. Tavaras replied that it already is.

Mrs. Reed wished them luck going forward.

There were no questions from the audience.

MOTION - Mr. Fowler made a motion to close the public hearing. The motion was seconded by Mr. Anderson and unanimously voted 5-0.

MOTION - Mr. Anderson made a motion to approve the family suite special permit for 2 Ferncroft Road. The motion was seconded by Mr. Fowler and unanimously voted 5-0.

(D) 2070 Main Street, Knights of Columbus Sign Special Permit

Mr. Anderson stepped away from the meeting.

MOTION - Mr. Fowler made a motion to waive the reading of the public hearing notice. The motion was seconded by Mr. Fratalia and unanimously voted 4-0.

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Bob Woods, Patrick Laphan, Dan Morris appeared for the sign special permit at the Knights of Columbus. Mr. Woods stated they would like a special permit to install a 3' x 6' LED sign on the building. This will be used to announce special events, town events and days of importance. When not in use, it will display the time, date and temperature.

Mr. Anderson returned.

Mr. Fowler asked what the background color was. Mr. Woods stated that it will primarily be black but the color will change. Mr. Fowler stated that we do not like red lettering. Mr. Woods stated that he doesn't either. Mr. Fowler stated that this is different because it is an attached sign, not a free standing sign.

Mr. Fratalia stated that he doesn't see a problem with it.

Mr. Anderson stated that he also does not have a problem with it and it is a fine organization and they do a lot of things for the community. These types of signs are the wave of the future.

Mrs. Reed stated that waivers should be granted for the aspects of the bylaw they do not meet. They would be items #1, 2, 4 and 7.

Mr. Johnson stated that we would reserve our rights if the sign is deemed too bright. Mr. Johnson asked if the Town needs to get a message out would they be willing to put it on the sign. Mr. Morris replied they would be happy to.

There were no questions from the audience.

MOTION - Mr. Fowler made a motion to close the public hearing. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

MOTION - Mrs. Reed made a motion to grant the waivers from Section 5232:

1. #1 - The business(es) utilizing the electronic message board are located on a site of over 10 acres of land.
2. #2 - The buildings and public entrances to the businesses are located at least 125 feet from the street.
3. #4 - The dimensions of the message board area shall not be over 41" H x 63" W. They are requesting 36" x 72".
4. #7 - The electronic message board letters will be amber color only, with a black background.

The motion was seconded by Mr. Fowler and unanimously voted 5-0.

MOTION - Mr. Fratalia made a motion to approve the Sign Special Permit for 2070 Main Street as submitted with the inclusion of the waivers and the Planning Board retaining control if the illumination is too bright to require it be turned down. The motion was seconded by Mrs. Reed and unanimously voted 5-0.

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(E) **967-969 Main Street, Chester Briggs, Trustee and Joel Deputat for the Ford Realty Trust, Chester Briggs, Tr Continued Site Plan Special Permit, Town Center Overlay District**

Attorney Richard O'Neill and Chester Briggs appeared for the continued Site Plan Special Permit, Town Center Overlay District Permit for 967-969 Main Street. Attorney O'Neill stated that they have met several times with the Town Engineer and he has issued a memo dated October 2, 2015. Attorney O'Neill stated that Mr. Lania could not be here tonight due to another commitment but did provide a memo dated September 14, 2015 to address the engineering comments. Mr. Johnson stated that the memo from the Town Engineer dated October 2, 2015 still have items that have not been addressed in the September 14th letter from Cornerstone such as snow storage.

Mr. Sadwick stated that he spoke with Mr. Hardiman today. From his memo dated October 2nd, he still has issues with items #1 and #7 dealing with parking and snow storage. The issue with snow storage is it is being shown on top of the infiltration basin. Mr. Sadwick added that they received an email from Mr. Lania through Attorney O'Neill stated that there could be a condition that snow must be removed as outlined by DEP. Attorney O'Neill stated that the I & I will be cleared up during installation of the sewer.

Attorney O'Neill stated that the TCOD is allowing improvement to two properties in the center of town to be used as a mixed use development. The landscape plan will be updated and the parking spaces will be at 9' x 18'.

Mr. Sadwick stated that the parking is the other issue with the Town Engineer. The spaces are only 18' deep and the maneuvering isle is only 18' wide so this will make it difficult to maneuver oversized vehicles. There has been no turn movement provided. The dimensions of 18' for both parking stalls and an 18' drive isle do not provide adequate access and will make it hard to get vehicles in and out.

Mr. Fowler stated that the residential units will be using the front parking spaces. The parking spaces that are proposed will mirror what Tewksbury Funeral Home has now.

Attorney O'Neill stated that the public safety wanted the different traffic flow, the snow storage has been address, 14 parking spaces have been provided and this is a private lot.

Mr. Anderson stated that we need to get a little more information before approving this.

Mr. Fratalia stated that perhaps signs can be installed or a parking attendant be hired.

Mrs. Reed stated that the back lot is a concerned. Mr. Sadwick replied yes. Mrs. Reed stated that perhaps the peninsula could be cut down and the spaces increased.

Mr. Fowler stated that during a funeral, the cars are parked by attendants.

Mr. Anderson stated that we want to get this right.

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Attorney O'Neill stated that the Town management is shutting down communication with residents. Mr. Sadwick disagreed.

MOTION - Mr. Fowler made a motion to continue the Site Plan Special Permit for 967-969 Main Street until October 19, 2015 at 7:10 PM. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

Old Business

Mr. Fratalia asked for a status of the landscaping along Main Street for the National Grid project. Mr. Sadwick stated that he will find out.

New Business

Mr. Fratalia asked if there is a way that the Board is notified when land is transferred that has a special permit or subdivision approved. Mr. Sadwick stated that the Assessors are notified on ownership changes, but not right away. Everything is done at the Registry of Deeds. Mr. Sadwick stated that we get notified when they come in for a building permit.

Mrs. Reed asked for a status for the Wamesit Indian project. Mr. Sadwick stated that MDR was the low bidder at a cost of \$132,000. We have \$95,000 budgeted. MDR has agreed to hold their price until May 31, 2016. They met last Monday with Mass DOT and they wanted to talk with the Landscape Architect. The Town Manager does not want to change the plan and they will be looking at what Mass DOT can do as part of the Rt. 38 project and then that could be subtracted from the bid. Mr. Sadwick added that the bid was in a lump sum format so they have asked for a break down in costs. Mr. Sadwick added that Mass DOT will not do benches or bike racks.

Mr. Fratalia asked what the status of the Pike House is. Mr. Sadwick stated that the demolition of the old Police Station will be going out to bid this week. The Town Manager has talked with the attorney for IRA and they want to help to save the house. Mrs. Reed asked that a letter of thanks go to the Town Manager for his continued efforts on saving the Pike House. The Board agreed.

Mrs. Reed stated that there was a left over item from the Tewksbury Zoning Bylaw Subcommittee. We need to look at design standards for Main Street including when businesses come in for tenant fit-ups. This could be handled through staff, not necessarily coming to the Board.

Mr. Fratalia asked what the status of Sutton Brook is. Mr. Sadwick stated that there has been discussion of benefits of a solar farm and how the profits would be divided between the Towns.

Director's Report

Mr. Sadwick stated that the Special Town Meeting is tomorrow night. They are waiting on the DPW regarding the street acceptance.

Mr. Sadwick stated that on Article #18, the map and executive summary have been added. There was a scrivener's error on permitted by right uses.

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Mr. Sadwick stated that the Master Plan should be delivered by October 28, 2015 and Ms. Barrett will be coming before the Board on November 2, 2015.

Mr. Sadwick stated that there will be a balloon test scheduled by Verizon for 2550 Main Street. He will inform the Board as soon as it's scheduled.

Mr. Sadwick stated that there will also be a site walk scheduled for Riverview Park.

Adjournment

MOTION - Mr. Anderson made a motion to adjourn the meeting at 9:15 PM. The motion was seconded by Mr. Fowler and unanimously voted 5-0.

Approved on: 12/7/15

*List of documents for 10/5/15 Agenda
Documents can be located at the Community Development Office*

- A. 7:00** Approval of Minutes – August 3, 2015
- B. 7:00** Committee Reports/Administrative Actions
 - 1- Committee Reports
 - 2- 1624 Main Street Landscaping
- C. 7:00** 2 Ferncroft Road, Joao Tavares
Family Suite Special Permit
 - *Application packet dated 8/25/15.*
 - *Memo fr Board of Health dated 9/8/15.*
- D. 7:10** 2070 Main Street, Knights of Columbus
Sign Special Permit
 - *Application packet dated 8/24/15.*
- E. 7:20** 967-969 Main Street, Chester Briggs, Trustee and Joel Deputat
For The Ford Realty Trust, Chester Briggs, Tr
Continued Site Plan Special Permit, Town Center Overlay District
 - *Town Engineer and Building Commissioner to meet with applicant's Engineer on 10/1/15.*
 - *Email 10/5/15 fr Ken Lania to Rick O'Neill.*
 - *Modification requested list*
 - *Letter 9/14/15 fr Ken Lania to S Sadwick*

Correspondence

- *Memo 9/3/15 fr Federal Energy Regulatory Commission re: meeting for Northeast Energy Direct Project*